

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WILLIAM JOSEPH WEBB, JR., )  
                                  )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  )  
v.                             )                           C. A. No. 07-31-GMS  
                                  )  
                                  )  
FIRST CORRECTIONAL MEDICAL, )                           JURY TRIAL REQUESTED  
et al.,                        )  
                                  )  
                                  )  
Defendants.                    )

**DEFENDANTS' JOINT MOTION  
FOR LEAVE TO DEPOSE PLAINTIFF**

Defendants Correctional Medical Services, Gina Wolken, Dr. Niaz and Dr. Alie<sup>1</sup> and Stanley Taylor, (collectively, "Defendants"), by and through their undersigned counsel, respectfully request this Honorable Court to enter an Order granting Defendants' counsel the right to depose Plaintiff William Joseph Webb, Jr. ("Plaintiff Webb"), an incarcerated individual. In support thereof, counsel submits as follows:

1. Plaintiff Webb is an inmate incarcerated at the Delaware Correctional Center in Smyrna, Delaware.
2. Counsel for the Defendants wish to depose Plaintiff Webb as part of discovery in this case. No discovery deadline has been set.
3. Fed. R. Civ. P. 30(a)(2) requires leave of the Court to depose an incarcerated individual.
4. A form of order is attached to this Motion that grants Defendants' counsel the

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<sup>1</sup> Motions for rule to show cause and/or dismissal under FRCP 12(b)(5) are pending for Wolken, Niaz and Alie (DI 105 & 107) but for purposes of judicial economy are joining in this motion.  
{DE108225.1}

right to depose Plaintiff Webb.

WHEREFORE, Defendants respectfully request that this Honorable Court grant their Motion for Leave to Depose Plaintiff William J. Webb, Jr.

/s/ Eileen M. Ford

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Attorneys for Correctional Medical Services,  
Gina Wolken, and Dr. Niaz and Dr. Alie

/s/ Catherine Damavandi

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Department of Justice  
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Wilmington, DE 19801  
(302) 577-8400  
Attorney for Defendant Stan Taylor

DATE: May 14, 2008

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WILLIAM JOSEPH WEBB, JR., )  
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et al.,                        )  
                                  )  
Defendants.                    )

**7.1.1 CERTIFICATE OF COUNSEL**

The undersigned counsel hereby certify, pursuant to Local Rule 7.1.1, that:

1. Plaintiff William J. Webb, Jr. is currently incarcerated and it is not practical for undersigned counsel to communicate with him concerning Defendants' Motion for Leave to Depose Plaintiff.
2. Therefore, the undersigned counsel assume that the Motion is opposed.

/s/ Eileen M. Ford

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/s/ Catherine Damavandi

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	)	
Defendants.	)	

CERTIFICATE OF SERVICE

We hereby certify that on May 14, 2008, we electronically filed *Defendants' Joint Motion For Leave to Depose Plaintiff William J. Webb, Jr.* with the Clerk of Court using CM/ECF. I hereby certify that on May 14, 2008, I caused the within document to be mailed by United States Postal Service to the following non-registered party:

William Joseph Webb, Jr.  
SBI #256056  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

/s/ Eileen M. Ford  
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Defendants.                    )

**ORDER**

This \_\_\_\_\_ day of \_\_\_\_\_, 2008,

**WHEREAS**, Defendants having requested leave to depose Plaintiff William J. Webb, Jr. pursuant to Fed. R. Civ. P. 30(a); and  
**WHEREAS**, there being good cause shown for the granting of such motion;  
**IT IS HEREBY ORDERED**, that Defendants' Joint Motion for Leave to Depose Plaintiff shall be granted and Defendants shall have the right to depose Plaintiff William J. Webb, Jr.

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The Honorable Gregory M. Sleet  
Chief Judge, U.S. District Court